

**LOUDOUN COUNTY BOARD OF SUPERVISORS
PUBLIC HEARING**

Wednesday, February 12, 2014

6:00 p.m.

Board Room, First Floor, Government Center

AGENDA SUMMARY

I. CALL TO ORDER

II. BOARD OF SUPERVISORS PUBLIC HEARING ITEMS FOR CONSIDERATION:

**1. Revisions to Chapter 1068 of the Codified Ordinances of Loudoun County-
Pretreatment of Wastewater**

Loudoun Water has requested that the Board of Supervisors adopt revisions to Chapter 1068 of the Codified Ordinances of Loudoun County, which addresses the pretreatment of wastewater. Chapter 1068 was first adopted in 1989, and the proposed revision is a comprehensive rewrite. Through a series of agreements between the District of Columbia and Loudoun Water, a significant portion of Loudoun County's sanitary sewer flow discharges through the Potomac Interceptor sewer line to the Blue Plains Wastewater Treatment Plant. The Environmental Protection Agency regulates the Blue Plains facility under the National Pretreatment Program, which is part of the Clean Water Act. That program requires control of industrial and commercial sources of pollutants discharged into municipal wastewater plants. Those requirements extend to wastewater from Loudoun County that flows to Blue Plains. The proposed amendments bring the County's existing Pretreatment Ordinance (Chapter 1068) in line with the Environmental Protection Agency's Pretreatment Streamlining Rule.

Staff Contact: Jack Roberts, County Attorney

**2. ~~DEFERRED~~ Proposed Conveyance of County Property, Grant of Permanent
Telecommunications Transmission System Easement-Arcola Community Center**

Staff Contacts: Lauri A. N. Sigler & Jack Roberts, Office of the County Attorney

**3. Loudoun County Parking Garages-Public Private Transportation Act of 1995
Proposals**

On November 15, 2011, the Board of Supervisors ("Board") approved a Memorandum of Agreement (MOA) outlining commitments pertaining to Phase 2 of the Dulles Corridor Metrorail Project between the County, the U.S. Department of Transportation (USDOT), the Washington Metropolitan Area Transit Association (WMATA), Fairfax County, the Commonwealth of Virginia, and the Metropolitan Washington Airports Authority (MWAA). Included in the MOA was a commitment from the County to use its best efforts to secure additional funding sources that will be sufficient to fund the cost of the design and construction of the parking facility at the Route 606 Station and the two parking facilities at the Route 772 Station. On July 3, 2012, the Board voted to opt-in to the Phase 2 Dulles

Corridor Metrorail Project thereby moving forward with the overall Metrorail project. At the same time, and as agreed to in the MOA, the Board was required to explore the development of the three parking facilities and the need for this partnership proposal to develop the parking facilities to be issued.

On November 16, 2012, the County issued a Solicitation for Conceptual Proposals through the Public-Private Transportation Act of 1995 for Loudoun County Parking Facilities (SCP). After an evaluation of those proposals, the Board directed staff to cancel that solicitation and issue a more detailed solicitation based on information gathered to that point in hopes of attracting more competition. Based on that direction, staff issued a new solicitation for the design, construction, financing, operation and maintenance of up to three parking garages in Loudoun County in conjunction with Phase 2 of the Dulles Corridor Metrorail Project. From that solicitation, four (4) proposals were received and evaluated by County staff and County consultants from Jones, Lange and LaSalle. On January 15, 2014, the Board of Supervisors accepted the four proposals for further consideration and directed staff to present the proposals at the February 12, 2014 Public Hearing.

This Public Hearing is being held to solicit any public comment on the proposals received and to meet the requirement of the Public-Private Transportation Act of 1995 and the Loudoun County Procurement Resolution. The Proposal Analysis Group (PAG) is performing an evaluation of the proposals concurrently.

Staff Contacts: Donnie Legg & Ben Mays, Management and Financial Services

4. SPEX 2013-0006, SIDP 2013-0001 /Intersport Performance Inc.

Intersport Performance of McLean, Virginia is requesting a Special Exception (SPEX) for the purpose of developing an automobile sales and service use on a vacant 1.46-acre property in Ashburn. The Applicant is also requesting a Sign Development Plan (SIDP) to increase the maximum size of three proposed (3) building-mounted signs. The subject proposed is located in the southeast quadrant of the Route 7 and Claiborne Parkway interchange at the terminus of Ashburn Road in the Broad Run Election District. The subject property is zoned Rural Commercial which permits the proposed use by Special Exception. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Ashburn Community)) which designate this area for Keynote Employment uses and recommend a Floor Area Ratio (FAR) of between 0.4 and 1.0.

At its December 17, 2013 public hearing, the Planning Commission voted 9-0 to forward the applications to the Board of Supervisors with a recommendation of approval, subject to the conditions of approval dated November 21, 2013. Staff concurs with the Planning Commission recommendation of approval. The decision deadline has been extended to February 28, 2014.

Staff Contacts: Pat Giglio & Julie Pastor, Planning

5. SPEX 2011-0030 /South Riding Day Care Center – Elk Lick Road

SDE, Inc., of Falls Church, Virginia, has submitted an application for a special exception to permit a 3,944 square foot, 60-student child care center in the CR-1 (Countryside Residential-1) zoning district. The application also proposes to reduce the minimum width of a Type 2 buffer yard along the northern property boundary from 20 feet to 10 feet. The 0.97 acre parcel is located on the west side of Elk Lick Road, south of Elk Pace, and north of Tall Cedars Parkway, at 25231 Elk Lick Road, Chantilly, Virginia in the Dulles Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Dulles Community)) and the Arcola Area/Route 50 Corridor Plan Amendment (CPAM 2005-0007), which designate this area for Business uses.

At its December 17, 2013 public hearing, the Planning Commission voted 9-0 to forward the application to the Board of Supervisors with a recommendation of approval, subject to Conditions of Approval dated November 26, 2013 and based on specific Findings for Approval. Staff concurs with the Planning Commission recommendation. The requested special exception use is consistent with the planned land uses for the area (Business Community, as amended by the Arcola Area / Route 50 Corridor Plan). The Applicant is in agreement with the Conditions of Approval. The special exception application is ready for action by the Board of Supervisors. The decision deadline is February 12, 2014.

Staff Contacts: Marchant Schneider & Julie Pastor, Planning

6. ZOAM 2013-0004 /Notice of Proposed Text Amendments to Articles 1, 3, 4, 5, and 8 of the Revised 1993 Zoning Ordinance to Amend Interpretation of Ordinance, Uses and Utility Requirements in the GB, MR-HI, PD-OP, PD-RDP, PD-IP, PD-GI, PD-TC, PD-TREC, PD-TRC And PD-MUB Zoning Districts, Additional Regulations for Specific Uses, Tree Planting and Replacement Canopy Requirements, Buffering and Screening Requirements, and Definitions

On September 18, 2013, the Board of Supervisors adopted a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance for the purpose of reclassifying certain special exception (SPEX) uses to permitted uses. More specifically, ZOAM-2013-0004 represents a continuation of the County's efforts to advance commercial and industrial development and proposes to: 1) reclassify certain uses in the Planned Development-General Industry (PD-GI) Zoning District from a SPEX use to a Permitted Use; 2) Address SPEX uses and other zoning ordinance regulations identified by the Stakeholders and the Public; 3) Address certain issues with SPEX uses brought forward in the Package 1 amendments that were forwarded to Package 2; 4) Review and consider adding "Heavy Equipment Sale, Rental and Accessory Service" as a permitted use or special exception use in the Planned Development-Industrial Park (PD-IP) Zoning District; 5) Correct the inconsistencies in the Tree Planting and Replacement requirements regarding the years of maturity at which the tree canopy is calculated to be 20 years; and 6) Address miscellaneous text changes to provide clarification and make the zoning ordinance easier to understand. The Zoning Ordinance Action Group reviewed the proposed amendments in June and August 2013. The Planning Commission held a public hearing on October 15, 2013, and completed its review on December 3, 2013. The Commission voted 6-2-1 (Dunn and Douglas opposed, Ryan

absent) to recommend approval of the ZOAM with changes proposed during the Commission review.

Staff Contacts: Rory Toth, Nicole Dozier, & Mike Seigfried, Building and Development

7. SPEX 2012-0031, SPEX 2012-0033, SPMI 2012-0021, SIDP 2013-0002 /Blue Mount Nursery

Blue Mount Nursery, Inc., and F&B Properties, LC, of Leesburg, Virginia, have submitted applications for Special Exceptions, a Minor Special Exception, and Sign Development Plan in order to: 1) modify the conditions of approval and special exception plat associated with SPEX-1989-0044, Potomac Farms Nursery, and SPEX-1996-0004, Potomac Farms Nursery, in order to extend the previously approved 20-year period of validity for a commercial nursery use, add 1.5 acres to the previously approved area of the special exception, add a farm market with temporary special events to the previously approved commercial nursery use, expand the sales/office area for the existing commercial nursery use; 2) permit a farm market in the A-3 (Agricultural Residential) zoning district; 3) request alternative sign regulations for permitted signs in order to modify the permitted number, size, height, and location of signs; and 4) request a modification of the Additional Regulations applicable to the proposed commercial nursery use in order to permit the retail sale of propane and firewood as accessory products. The subject property is approximately 13.55 acres in size and is located within the northeast quadrant of the intersection of Harry Byrd Highway (Route 7) and Lexington Drive, at 20052 Lexington Drive, Ashburn, Virginia in the Algonkian Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Ashburn Community)) which designate this area for Keynote Employment uses.

At its December 3, 2013 worksession, the Planning Commission voted 6-3 (Ryan, Salmon, Syska opposed) to forward the application to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated December 3, 2013, as amended to require temporary zoning permits for each temporary special event and striking the requirement to provide public drinking water, and based on specific Findings for Approval. Staff does not support the expansion and addition of uses inconsistent with the planned Keynote Employment land use designation. As noted at the time of the previous special exception requests for the commercial nursery use, the continued expansion of the nursery perpetuates the inconsistency between the existing use of the site and developing office and Keynote Employment uses along the Route 7 corridor. The requested farm market, addition of special events, and proposed sign development plan intensify this inconsistency. The decision deadline is February 12, 2014.

Staff Contacts: Marchant Schneider & Julie Pastor, Planning

If you require a reasonable accommodation for any type of disability in order to participate in this meeting, please contact the Office of the County Administrator at 703-777-0200. Three business days advance notice is requested.